



State of Arizona

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Statement from Governor Jan Brewer
Response to Ninth Circuit Ruling

"In 2012, based on President Obama's lawless directive, the Department of Homeland Security (DHS) made an administrative policy choice to defer removal proceedings of illegal aliens who were brought to the United States as children, a program referred to as DACA. This policy choice is not federal law authorizing an illegal alien's presence in the country – it simply is a choice by the executive branch not to enforce deportation proceedings as required under existing federal statute. DHS itself has expressly acknowledged that the DACA Program does not grant any substantive rights and that only Congress can do that.

"The DACA Program, the decision to not enforce federal law, has directly led to the massive influx of illegal crossings and the crisis we are witnessing today. If the Ninth Circuit ruling is allowed to stand, the President, as he has already threatened, can contrive a new program refusing to deport the latest arrivals, issue employment authorization cards, and Arizona would have to issue licenses to them as well.

"Arizona law, A.R.S. § 28-3153(D), is very clear: 'Notwithstanding any other law, the department shall not issue to or renew a driver license or nonoperating identification license for a person who does not submit proof satisfactory to the department that the applicant's presence in the United States is authorized under federal law.' As a result, the Arizona Department of Transportation has a policy that DACA – as well as deferred action and deferred enforced departure individuals - do not demonstrate authorized presence under federal law.

"Lawless decrees by the President demonstrate animus to Congress, states and the Constitution. It is outrageous, though not entirely surprising, that the Ninth Circuit Court of Appeals has once again dealt a blow to Arizona's ability to enforce its laws. With today's decision, a three judge appellate panel, appointed by Presidents Carter, Clinton and Obama, disregarded judicial precedent and procedure. This continues us down a dangerous path in which the courts and the President – not Congress – make our nation's laws. The ruling is especially disturbing given the current influx of illegal aliens, a crisis President Obama created and escalated. I am analyzing options for appealing the misguided court decision. The American people are tired and disgusted by what is happening through our federal government today, but they can be assured Arizona will continue to fight for the rule of law."

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